

002812

DON'T SAY IT --- Write It!

DATE: May 12, 1993 10:26am

TO: Dan Duncan

EPA

FROM: Clifford E. Clark

A5-15

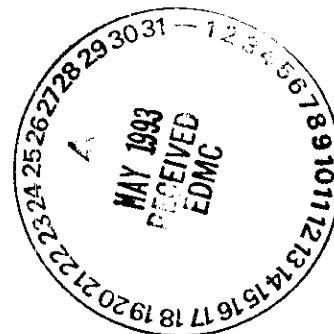
Telephone: 509-376-9333

cc: S. M. Price H6-23
P. J. Mackey B3-15
R. C. Bowman H6-23

SUBJECT: Information on Operator/Co-Operator

As we discussed earlier today, attached is suggested language prepared by Westinghouse Hanford Company for use in the RD&D Permit for the Waste Water Treatment Pilot Plant. I am also attaching a copy of a letter from Christian Holmes, EPA to Ray Berube, DOE on the Operator/Co-Operator issue. We would appreciate your consideration of the suggested language for incorporation into the Draft RD&D Permit for the Waste Water Treatment Pilot Plant. If you can incorporate this language it will alleviate a potential major concern on the part of Westinghouse Hanford Company.

We believe that the letter from Christian Holmes is supportive of our desire to use the language as suggested. Please let me know if EPA has questions or concerns with the suggested language. Thanks.



93129360876

DON'T SAY IT --- Write It!

DATE: May 12, 1993

TO: R. M. Carosino A4-52
C. E. Clark A5-15
S. M. Price H6-23

FROM: Patrick J. Mackey *PJ* B3-15
Telephone: 6-4107

cc: File/LB

SUBJECT: REVISIONS

Attachment 1 provides changes which should be made to the draft RD&D Permit.

Attachment 2 is an EPA letter which acknowledges that the co-operator status of DOE contractors complies with the letter and spirit of RCRA.

Both attachments should be provided to EPA, Region 10.

93129560877

Introduction, page 3

Change first paragraph by deleting "(operator)" after "Westinghouse Hanford Company" and substituting "(co-operator)".

Definitions, page 12

Delete paragraph h. and substitute:

- h. The term "Permittees" shall mean the United States Department of Energy-Richland Operations Office (owner/operator) and the Westinghouse Hanford Company (co-operator).

Part I, Standard Conditions, page 15

Add new paragraph I.E.2. Renumber current paragraphs I.E.2 - I.E.10 as I.E.3. - I.E.11.

New paragraph I.E.2.:

Consistent with their respective responsibilities on the Hanford Site, the United States Department of Energy-Richland Operations Office is responsible for overall management and operations of the RD&D Activity with authority over policy, programmatic funding, scheduling decisions, and general oversight. The Westinghouse Hanford Company is responsible for day-to-day activities such as waste analysis, waste handling, monitoring, container labeling, personnel training, and record keeping.

93127360878



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 9 1991

OFFICE OF ENFORCEMENT

Raymond P. Berube
Deputy Assistant Secretary
for Environment
U.S. Department of Energy
Washington, D.C. 20585

Dear Mr. Berube:

This letter follows previous discussions between the Environmental Protection Agency (EPA) and the Department of Energy (DOE) concerning the requirement of Resource Conservation and Recovery Act (RCRA) that hazardous waste permit applications be signed by both the owner and the operator of the permitted facility. EPA has defined "operator" to mean "the person responsible for the overall operation of a facility." See 40 C.F.R. Section 260.10.

As we have discussed, the application of this definition is not always a simple matter, particularly with regard to DOE's government-owned, contractor-operated facilities, for which DOE and its contractors each may exercise a degree of operational responsibility. EPA has previously noted, in a June 24, 1987, memorandum from the Director, Office of Waste Programs Enforcement, and the Director, Office of Solid Waste, to the Regional Waste Management Division Directors that in some instances both a Federal agency and its contractor are operators, and multiple signatures to that effect would be appropriate.

EPA is aware that DOE has established a policy under which both DOE and its contractors will sign RCRA permit applications as "joint operators" or as "operator" and "co-operator," respectively. EPA believes, consistent with its previous statements on this subject, that this approach complies with the letter and spirit of RCRA.

I hope you find this information useful.

Sincerely,

Christian R. Holmes
DMG

Christian R. Holmes
Deputy Assistant Administrator
for Federal Facilities

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